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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,492

03/23/2004

Robert M. Ransom

WEC-122-B

2762

7590

06/16/2006

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EXAMINER

YIP, WINNIE S

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/806,492	RANSOM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Winnie Yip	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 13-17 and 19-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/16/04 &amp; 12/29/05</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This is a first office action.

Claims 1-12 have been cancelled in view of applicant's preliminary amendment filed on February 11, 2005.

#### ***Claim Rejections - 35 USC § 112***

1. Claims 13 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The cited language "having a hinge section" is confusing as referring to what elements. It is not clear whether the hinge section and the cutout elements are both part of the strip of the flexible material? Or is it a hinge section attached between the side panels? Clarification is required.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13-17 and 19-24, as better understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Zheng (US Patent No. 5,579,799).

Zheng shows and teaches a portable, collapsible enclosure (30 or 400) (see Fig. 1 or Fig. 14A) comprising: a plurality of flexible side panels (70, 74, 78, 82) each having a frame including at least one foldable supporting element (34, 38, 42, 46; or 434, 438), at least one sheet

Art Unit: 3636

of flexible material (i.e. 74, 82) attaching to a portion of the frame to form the side panel, at least one strip of flexible material forming a sleeve (454, 458, 412) for receiving the foldable supporting elements (434, 438) and providing a hinge section (410) for connecting two adjacent side panels together. Zheng does not define the enclosure having a plurality of cutout elements that simulate foliage connected to the hinge section as claimed. Punch teaches a portable enclosure comprising a plurality of side panels including a portable frame formed by a plurality of supporting elements (14, 32, 26, 42 or 50), a cover made of a flexible material attached to the frame to form the side walls of the enclosure, and the flexible material comprising an exterior layer (76) made three dimensional camouflage panel attached to an interior layer, the exterior layer (76) includes a plurality of cutout (holes), loops (circles) for allowing attachment of both natural or artificial vegetation such as simulate foliage that shaped as leaves (see Figs. 11 and 12) to form a “bushlike” surface or around the corner such as to the hinge section of an enclosure as claimed invention for adding a more natural, rounded appearance. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the enclosure of Zheng having a plurality strips of exterior layer of flexible material which being made of three dimensional camouflage panel including a plurality of cutout element attached to at least a portion on the outside of the side panel such as around the corner of hinge section of the enclosure as claimed invention to allow attachment of both nature or artificial vegetation such as simulate foliage thereon as taught by Punch for adding a more natural round appearance.

4. Claims 13-17 and 19-24, as better understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Wan (US Patent No. 5,411,046) .

Wan shows and teaches a portable, collapsible enclosure comprising: a plurality of flexible side panels, each side panel including a frame having at least one foldable supporting element (40), at least one sheet of flexible material (30) having a sleeve (41) for receiving the supporting element (4) to form the side panel, at least one strip of flexible material (32) attached to at least one portion between two adjacent side panels to provide a hinge section for attaching two adjacent side panels together. Wan does not define the enclosure having a plurality of cutout elements that simulate foliage connected to the hinge section as claimed. Punch teaches a portable enclosure comprising a plurality of side panels including a portable frame formed by a plurality of supporting elements (14, 32, 26, 42 or 50), a cover made of a flexible material attached to the frame to form the side walls of the enclosure, and the flexible material comprising an exterior layer (76) made three dimensional camouflage panel attached to an interior layer, the exterior layer (76) includes a plurality of cutout (holes), loops (circles) for allowing attachment of both natural or artificial vegetation such as simulate foliage in variety shades such as shaped as leaves (see Figs. 11 and 12) to form a "bushlike" surface or around the corner such as to the hinge section of an enclosure as claimed invention for adding a more natural, rounded appearance. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the enclosure of Wan having a plurality strips of exterior layer of flexible material which being made of three dimensional camouflage panel including a plurality of cutout element attached to at least a portion on the outside of the side panel such as around the corner of hinge section of the enclosure as claimed invention to allow attachment of both nature or artificial vegetation such as simulate foliage in variety shades thereon as taught by Punch for adding a more natural round appearance.

Art Unit: 3636

*Citations*


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. O'Hare '665, Hogan '488, Hodnett '922, Gretzmacher '804, and Eastman, II '961 teach various portable enclosure having side panels covered by a flexible camouflage material having cutout elements of simulate foliage as similar to the claimed invention. Ransom '995 teaches an enclosure formed by flexible side panels formed by at least one foldable supporting element as similar to the claimed invention.

*Inquiry Contacts*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Winnie Yip  
Primary Examiner  
Art Unit 3636

wsy  
June 9, 2006